

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.103 of 2017

1. Ashoka Kumar Jha Son of Shri Dina Nath Jha
2. Akhilesh Kumar Jha Son of Shri Dina Nath Jha
3. Rajesh Kumar Jha Son of Dina Nath Jha All residents of
Village - Kumhari, P.S. - Kadwa, P.O. - Durgaganj, District -
Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector Katihar District, Katihar.
2. The Divisional Commissioner, Purnea Division, Purnea at Purnea.
3. The District Magistrate, Katihar, Katihar.
4. The Additional Collector, District - Katihar.
5. The S.D.O. Barsoi, District - Katihar.
6. The D.C.L.R., Barsoi, District - Katihar.
7. The Circle Officer Kadwa, District - Katihar.
8. Ganga Nand Singh Son of Late Bhola Singh resident of Kumhari, P.O. -
Durgaganj, P.S. - Kadwa, District - Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Anshuman, Advocate Mr. Prashant Kumar, Advocate Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Sajid Salim Khan – S.C. 25
For Respondent No. 8	:	Mr. Dharendra Kr. Jha, Advocate Mr. Jibendra Mishra, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-09-2018



By way of this petition, under Article 226 of the Constitution of India, the petitioners have challenged the impugned notice issued under Section 3 of the Bihar Public Land Encroachment Act, 1956, on 12.11.2016.

At the outset, it is required to be noted that by the impugned notice the petitioners are called upon to make submissions and as per the provisions of the Bihar Public Land Encroachment Act, 1956, a detailed procedure is required to be followed as per Section 3 to Section 6 of the Bihar Public Land Encroachment Act, 1956. Ample opportunity will be given to the petitioners to make submissions.

It would be open for the petitioners to participate in the proceedings and submit their case, which the appropriate authority is bound to consider in accordance with law.

Under the circumstances, as the present petition is against the impugned notice under Section 3 of the Bihar Public Land Encroachment Act, 1956, the same is not entertained.

However, it is observed that we have not expressed anything on merits in favour of either parties and it is, ultimately, for the Circle Officer to pass appropriate orders in accordance with law on merits and after following the procedure as required under the Bihar Public Land Encroachment Act, 1956.



Notice discharged.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.09.2018
Transmission Date	N/A

